Case 13-33671 Doc 1 Filed 12/06/13 Entered 12/06/13 13:18:06 Desc Main Document Page 1 of 9

BI (Official Form)		United		Bankı Trict of U		Court				Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle): Harkins, Joseph Dale					of Joint De rkins, Hie	ebtor (Spouse edi L	e) (Last, First,	, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): AKA JD Harkins				(inclu	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): AKA Hiedi L Davis					
Last four digits of S (if more than one, state all	Soc. Sec. or Ind	ividual-Taxpa	yer I.D. (ITIN)/Com	plete EIN	(if more	our digits o than one, state	all)	r Individual-7	Taxpayer I.D. (ITIN) No./Complete Ε
Street Address of D 1253 West 12 Clinton, UT	`	Street, City, a	nd State)	_	ZIP Code	Street 125 Clir	Address of		*	reet, City, and State): ZIP Code
County of Residence Davis		ī		s:	84015	Da	vis		•	84015 ace of Business:
Mailing Address of	Debtor (if diffe	erent from stre	eet addres	ss):	ZIP Code		ng Address	of Joint Debt	or (if differe	nt from street address): ZIP Code
Location of Princip (if different from st	al Assets of Bu reet address abo	siness Debtor ove):								
(Form of Organ Individual (inclusee Exhibit D on) Corporation (inclused Partnership Other (If debtor incheck this box and	page 2 of this form cludes LLC and is not one of the a d state type of ent ter 15 Debtors enter of main inter h a foreign proce	ors) m. I LLP) above entities, tity below.) cerests: eding	Sing in I Rail Stoc	(Check lth Care Bu gle Asset Re 1 U.S.C. § 1 road ckbroker ammodity Bre aring Bank er Tax-Exe (Check box tor is a tax-ex er Title 26 of	eal Estate as 101 (51B) oker mpt Entity , if applicable empt organithe United S	s defined 7 (e) zation tates	defined "incurr	er 7 er 9 er 11 er 12 er 13 are primarily cod in 11 U.S.C. § ed by an indivi	Petition is Fi	business debts.
Full Filing Fee att Filing Fee to be p attach signed appl debtor is unable to Form 3A. Filing Fee waiver attach signed appl	ached aid in installment ication for the co pay fee except i requested (applic	urt's considerati n installments. l	individual on certifyi Rule 1006(7 individu	ng that the (b). See Office als only). Mu	Check Check ial Check Check B.	one box: Debtor is a si Debtor is not if: Debtor's agg: are less than a all applicable A plan is bein Acceptances	mall business a small business a small business to see the seed of	debtor as definess debtor as contingent liquidamount subject this petition.	oter 11 Debte ned in 11 U.S.0 defined in 11 U ated debts (exc to adjustment	ors
Statistical/Adminis ☐ Debtor estimate ☐ Debtor estimate there will be no	s that funds wil s that, after any	l be available exempt prop	erty is ex	cluded and	administrat		es paid,		THIS	SPACE IS FOR COURT USE ONLY
Estimated Number 1- 50-49 99	of Creditors 100- 199	200-	1,000- 5,000	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000		
Estimated Assets	\$500,000	\$500,001 to \$1	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion		
Estimated Liabilitie	01 to \$100,001 to	\$500,001 to \$1	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion			

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B1 (Official Form 1)(04/13) Page 2 Name of Debtor(s): Voluntary Petition Harkins, Joseph Dale Harkins, Hiedi L (This page must be completed and filed in every case) All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than two, attach additional sheet) Case Number: Date Filed: Location Where Filed: - None -Date Filed: Location Case Number: Where Filed: Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Case Number: Date Filed: - None -District: Relationship: Judge: Exhibit B Exhibit A (To be completed if debtor is an individual whose debts are primarily consumer debts.) (To be completed if debtor is required to file periodic reports (e.g., I, the attorney for the petitioner named in the foregoing petition, declare that I forms 10K and 10Q) with the Securities and Exchange Commission have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 under each such chapter. I further certify that I delivered to the debtor the notice and is requesting relief under chapter 11.) required by 11 U.S.C. §342(b). ☐ Exhibit A is attached and made a part of this petition. X /s/ Scott T. Blotter **December 6, 2013** Signature of Attorney for Debtor(s) (Date) Scott T. Blotter 06185 Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: ■ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check any applicable box) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment) (Address of landlord) Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included with this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

B1 (Official Form 1)(04/13)

Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

Harkins, Joseph Dale Harkins, Hiedi L

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Joseph Dale Harkins

Signature of Debtor Joseph Dale Harkins

X /s/ Hiedi L Harkins

Signature of Joint Debtor Hiedi L Harkins

Telephone Number (If not represented by attorney)

December 6, 2013

Date

Signature of Attorney*

X /s/ Scott T. Blotter

Signature of Attorney for Debtor(s)

Scott T. Blotter 06185

Printed Name of Attorney for Debtor(s)

Scott T. Blotter & Associates, PLLC

Firm Name

735 East 9000 South, Suite 200 Sandy, UT 84094

Address

Email: scott@scottblotterlaw.com

801-601-8109 Fax: 801-878-9660

Telephone Number

December 6, 2013

Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of a Foreign Representative

Page 3

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

7	v
2	١

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

•	
/	

Date

Address

Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. §110; 18 U.S.C. §156.

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B 1D (Official Form 1, Exhibit D) (12/09)

United States Bankruptcy Court District of Utah

In re	Joseph Dale Harkins Hiedi L Harkins		Case No.	
		Debtor(s)	Chapter	13

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency*.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

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B 1D (Official Form 1, Exhibit D) (12/09) - Cont.	Page 2
statement.] [Must be accompanied by a motion for dete ☐ Incapacity. (Defined in 11 U.S.C. § 10 mental deficiency so as to be incapable of realized financial responsibilities.); ☐ Disability. (Defined in 11 U.S.C. § 10	09(h)(4) as impaired by reason of mental illness or ting and making rational decisions with respect to 09(h)(4) as physically impaired to the extent of being a credit counseling briefing in person, by telephone, or
requirement of 11 U.S.C. § 109(h) does not apply in the	
I certify under penalty of perjury that the in	formation provided above is true and correct.
	s/ Joseph Dale Harkins Joseph Dale Harkins B

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B 1D (Official Form 1, Exhibit D) (12/09)

United States Bankruptcy Court District of Utah

In re	Joseph Dale Harkins Hiedi L Harkins		Case No.	
		Debtor(s)	Chapter	13

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency*.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 14 days after your bankruptcy case is filed.*
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the seven days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.] ____

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

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B 1D (Official Form 1, Exhibit D) (12/09) - Cont.	Page 2
☐ 4. I am not required to receive a credit cou	nseling briefing because of: [Check the applicable
statement.] [Must be accompanied by a motion for a	letermination by the court.]
☐ Incapacity. (Defined in 11 U.S.C. §	§ 109(h)(4) as impaired by reason of mental illness or
± • ·	alizing and making rational decisions with respect to
financial responsibilities.);	
<u>.</u> / ·	109(h)(4) as physically impaired to the extent of being
• ` ` ` · · · · · · · · · · · · · · · ·	in a credit counseling briefing in person, by telephone, or
through the Internet.);	8 - 8 - 7 - 7 - 7 - 7 - 7 - 7 - 7 - 7 -
☐ Active military duty in a military c	ombat zone.
☐ 5. The United States trustee or bankruptcy requirement of 11 U.S.C. § 109(h) does not apply in	administrator has determined that the credit counseling this district.
I certify under penalty of perjury that the	information provided above is true and correct.
Signature of Debtor:	/s/ Hiedi L Harkins
C	Hiedi L Harkins
Date: December 6, 2	013

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Form 6 - Statistical Summary (12/07)

United States Bankruptcy Court District of Utah

In re	Joseph Dale Harkins Hiedi L Harkins		Case No.		
		Debtor(s)	Chapter	13	
		Debtor(s)	Chapter	13	_

STATISTICAL SUMMARY OF CERTAIN LIABILITIES (28 U.S.C. § 159)

If you	are an individual debtor whos	e debts are primaril	y consumer debts,	as defined in § 101	1(8) of the Bankruptcy	Code (1
U.S.C. § 101(8)), filing a case under chapter	7. 11 or 13, you mus	st report all inform	nation requested be	low.	

 \Box Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	\$0.00
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	\$0.00
Student Loan Obligations (from Schedule F)	\$0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	\$0.00
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$0.00
TOTAL	\$0.00

State the following:

Average Income (from Schedule I, Line 16)	\$5,187.49
Average Expenses (from Schedule J, Line 18)	\$4,866.26
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20)	\$6,908.10

State the following:

<u> </u>		
1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		\$3,964.00
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column.	\$0.00	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		\$0.00
4. Total from Schedule F		\$39,191.41
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		\$43,155.41

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United States Bankruptcy Court District of Utah

In re	Joseph Dale Harkins Hiedi L Harkins		Case No.	
	THOSE ETICINITO	Debtor(s)	Chapter	13
	DISCLOSURE OF COMPE	ENSATION OF ATTOR	NEV FOR DE	TRTOR(S)
_				
	Pursuant to 11 U.S.C. § 329(a) and Bankruptcy Rule 2016(b), I certify that I am the attorney for the above-named debtor and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:			
	For legal services, I have agreed to accept		\$	3,250.00
	Prior to the filing of this statement I have received	1	\$	126.00
	Balance Due		\$	3,124.00
2.	The source of the compensation paid to me was:			
	■ Debtor □ Other (specify):			
3.	The source of compensation to be paid to me is:			
	■ Debtor □ Other (specify):			
4.	■ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.			
	☐ I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.			
5.	In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:			
	 a. Analysis of the debtor's financial situation, and rend b. Preparation and filing of any petition, schedules, stace. c. Representation of the debtor at the meeting of credid. d. [Other provisions as needed] Negotiations with secured creditors to reaffirmation agreements and applicate 522(f)(2)(A) for avoidance of liens on h 	atement of affairs and plan which tors and confirmation hearing, ar reduce to market value; exc ions as needed; preparation	n may be required; and any adjourned hea emption planning	rings thereof;
6.	By agreement with the debtor(s), the above-disclosed fee does not include the following service: Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions of any other adversary proceeding.			
		CERTIFICATION		
	I certify that the foregoing is a complete statement of a bankruptcy proceeding.	ny agreement or arrangement for	payment to me for re	epresentation of the debtor(s) in
Date	d: December 6, 2013	/s/ Scott T. Blotte		
		Scott T. Blotter 0		
		Scott T. Blotter & 735 East 9000 So	Associates, PLL	<u>G</u>
		Sandy, UT 84094	•	
		801-601-8109 Fa		
		scott@scottblotte	erlaw.com	